

Notice of Allowability

Application No.

09/779,455

Applicant(s)

DHAR ET AL.

Examiner

Art Unit

Bao-Thuy L. Nguyen

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 12/09/05 and Examiner's Amendment dated 2/22/06.
2. ☒ The allowed claim(s) is/are 1, 3-6, 8-10, 12-20 and 44 which have been renumbered from 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Bao-Thuy L. Nguyen
Primary Examiner
Art Unit: 1641

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Matthew Mulkeen on February 22, 2006.

Claim 1: An analytical device for performing an immunoassay for the detection of a target analyte in a liquid sample comprising:

- (a) a liquid-permeable porous reaction membrane having an upper and a lower surface, an exposed area of the upper surface having immobilized thereupon an antibody or antigen capable of binding to the target analyte, wherein said immobilized antibody or antigen being concentrated in multiple spotted regions of the said upper surface, and a portion of the lower surface of the reaction membrane in ~~[the]~~ breadth corner has no immobilized antigen or antibody,
- (b) a semi-rigid liquid impervious bottom support layer ~~[being]~~ attached to the lower surface of the reaction membrane at ~~[one end along]~~ the breadth corner ~~[side through lower surface]~~ by water insoluble adhesive or tape having glue on both sides,
- (c) a body of absorbent material having an upper surface and a lower surface, capable of absorbing liquid, wherein the body of absorbent material is provided separately from the analytical device and ~~[wherein]~~ in use, the absorbent material is pre-wetted with a liquid and is placed between and in contact with the reaction membrane, which is above the body of the absorbent material, and

the bottom support layer, which is below the body of the absorbent material, and
~~[wherein the body of absorbent material is capable of absorbing liquid and,]~~

(d) ~~[wherein]~~ the ~~[absorbent]~~ body of absorbent material is capable of absorbing liquid and is larger in size than the reaction membrane.

3. The following is an examiner's statement of reasons for allowance: the claims define over the prior art of record because the prior art of record fails to teach an analytical device comprising a liquid permeable membrane adhered to a liquid-impervious bottom support layer at the breadth corner and an absorbent member that is larger than the reaction membrane and is provided separately. In use, the absorbent member is pre-wetted with a liquid and placed in between the liquid permeable membrane and the bottom support layer. The prior art of record, US 4,818,677, teaches a device where membrane and the absorbent are sandwiched between two panels that have been attached on the breadth sides. However, this reference fails make obvious a device where the absorbent member is provided separately and assembled together when used.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao-Thuy L. Nguyen whose telephone number is (571)

272-0824. The examiner can normally be reached on Tuesday and Wednesday from 8:00 a.m. -4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bao-Thuy L. Nguyen
Primary Examiner
Art Unit 1641
2/22/06